

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

March 9, 2009

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Chief Executive Officer  
PSI Energy, Inc.  
1000 East Main Street  
Plainfield, Indiana 46168

RE: Request for Information Under Section 104 (e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9604(e)

Dear Sir or Madam:

The United States Environmental Protection Agency has requested information from a number of your facilities relating to the surface impoundments or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material from a surface impoundment used for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. EPA has requested this information pursuant to the authority granted to it under Section 104 (e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9604(e) which provides in relevant part that whenever the Agency has reason to believe that there may be a release or a threat of a release of a pollutant or contaminant, they may require any person who has or may have information to furnish information or documents relating to the matter, including the identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed at the facility and the nature or extent of a release or a threatened release. EPA believes that the information requested is essential to an evaluation of the threat of releases of pollutants or contaminants from these units. EPA has required that your facilities provide EPA, within ten (10) business days of receipt of this letter, a response to each request for information, including all documents responsive to such request. A list of the facilities to which we have sent information requests is contained in the Enclosure.

In addition, pursuant to Section 104 (e) of CERCLA, we request that you identify and furnish to EPA a list of any additional facilities in your corporation to whom we have not sent an information request and which have surface impoundments or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material from a surface impoundment used for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. If you have no additional facilities with such units, please respond by indicating that fact.

EPA believes that the information requested is essential to an evaluation of the threat of releases of pollutants or contaminants from these units. The provisions of Section 104 of CERCLA authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 104(e). In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. 1001.

Your response must include the following certification signed and dated by an authorized representative of PSI Energy, Inc..

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate, and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

This request has been reviewed and approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C., 3501-3520.

Please send your reply to:

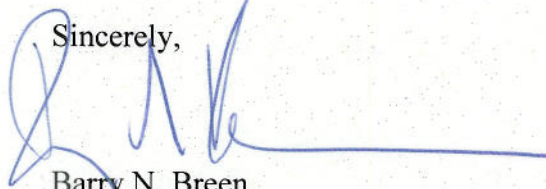
Mr. Richard Kinch  
US Environmental Protection Agency (5306P)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

If you are using overnight or hand delivery mail, please use the following address:

Mr. Richard Kinch  
US Environmental Protection Agency  
Two Potomac Yard  
2733 S. Crystal Dr.  
5th Floor; N-5783  
Arlington, VA 22202 2733

If you have any questions concerning this matter, please contact Mr. Kinch in the Office of Solid Waste and Emergency Response at (703) 308-8214. I appreciate your prompt attention to this critical matter and appreciate you making it a priority at the highest levels of your organization.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. N. Breen', with a long horizontal line extending to the right.

Barry N. Breen  
Acting Assistant Administrator

Enclosure

PSI Energy Inc

**Enclosure: List of facilities in your corporation which have received an Information Request**

Cayuga Power Station

Edwardsport Power Station

Gibson Power Station

R. Gallagher Power Station

Wabash River Power Station

## Enclosure

Please provide the information requested below for each surface impoundment or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. This includes units that no longer receive coal combustion residues or by-products, but still contain free liquids.

1. Relative to the National Inventory of Dams criteria for High, Significant, Low, or Less-than-Low, please provide the potential hazard rating for each management unit and indicate who established the rating, what the basis of the rating is, and what federal or state agency regulates the unit(s). If the unit(s) does not have a rating, please note that fact.
2. What year was each management unit commissioned and expanded?
3. What materials are temporarily or permanently contained in the unit? Use the following categories to respond to this question: (1) fly ash; (2) bottom ash; (3) boiler slag; (4) flue gas emission control residuals; (5) other. If the management unit contains more than one type of material, please identify all that apply. Also, if you identify "other," please specify the other types of materials that are temporarily or permanently contained in the unit(s).
4. Was the management unit(s) designed by a Professional Engineer? Is or was the construction of the waste management unit(s) under the supervision of a Professional Engineer? Is inspection and monitoring of the safety of the waste management unit(s) under the supervision of a Professional Engineer?
5. When did the company last assess or evaluate the safety (i.e., structural integrity) of the management unit(s)? Briefly describe the credentials of those conducting the structural integrity assessments/evaluations. Identify actions taken or planned by facility personnel as a result of these assessments or evaluations. If corrective actions were taken, briefly describe the credentials of those performing the corrective actions, whether they were company employees or contractors. If the company plans an assessment or evaluation in the future, when is it expected to occur?
6. When did a State or a Federal regulatory official last inspect or evaluate the safety (structural integrity) of the management unit(s)? If you are aware of a planned state or federal inspection or evaluation in the future, when is it expected to occur? Please identify the Federal or State regulatory agency or department which conducted or is planning the inspection or evaluation. Please provide a copy of the most recent official inspection report or evaluation.
7. Have assessments or evaluations, or inspections conducted by State or Federal regulatory officials conducted within the past year uncovered a safety issue(s) with the management unit(s), and, if so, describe the actions that have been or are being taken to deal with the issue or issues. Please provide any documentation that you have for these actions.

8. What is the surface area (acres) and total storage capacity of each of the management units? What is the volume of materials currently stored in each of the management unit(s)? Please provide the date that the volume measurement(s) was taken. Please provide the maximum height of the management unit(s). The basis for determining maximum height is explained later in this Enclosure.

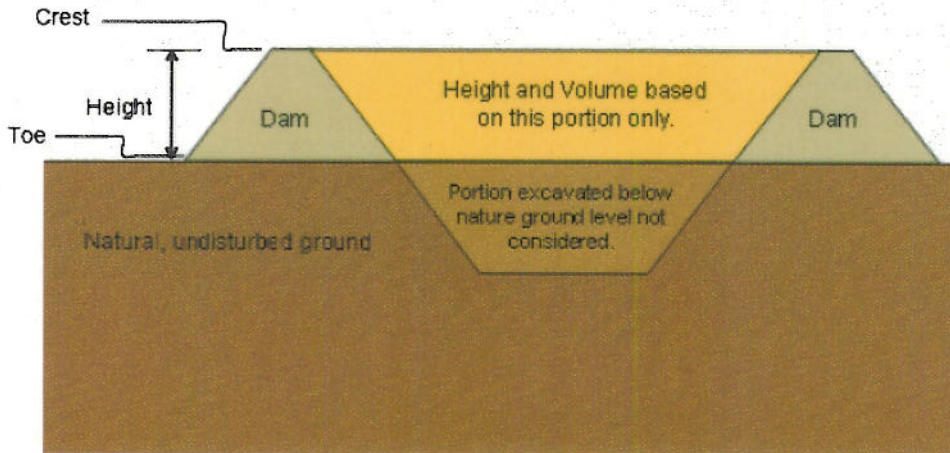
9. Please provide a brief history of known spills or unpermitted releases from the unit within the last ten years, whether or not these were reported to State or federal regulatory agencies. For purposes of this question, please include only releases to surface water or to the land (do not include releases to groundwater).

10. Please identify all current legal owner(s) and operator(s) at the facility.

Enclosure (Cont'd)

### Dam Height

Height of the dam, in feet to the nearest foot, which is defined as the vertical distance between the lowest point on the crest of the dam and the lowest point in the natural, undisturbed ground. See diagrams below.



**NOTE:** On slopes, the height of the dam should be measured from the downhill or downstream toe of the dam to the lowest point on the crest of the dam.

